



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

28 November 2008

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

AAQS = Ambient air quality standards
ANPRM = Advance Notice of Proposed Rulemaking
AST = Aboveground storage tank
BACT = Best available control technology
CAA = Clean Air Act
CAAWG = Clean Air Act Working Group
Cal/EPA = California Environmental Protection Agency
CCR = *California Code of Regulations*
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
CFR = *Code of Federal Regulations*
CRNR = *California Regulatory Notice Register*
CTG = Control Techniques Guidelines
CWA = Clean Water Act
DHS = Department of Homeland Security
DOE = Department of Energy
ELG = Effluent limitation guidelines
EPA = U.S. Environmental Protection Agency
ERC = Emissions reduction credit
ESA = Endangered Species Act
FAA = Federal Aviation Authority
F.A.C. = Florida Administrative Code
FAW = *Florida Administrative Weekly*
FDEP = Florida Department of Environmental Protection
FIFRA = Federal Insecticide, Fungicide, and Rodenticide Act
FR = *Federal Register*
F.S. = Florida Statute
GHG = Greenhouse gases
GSE = Ground support equipment
HCFC = Hydrochlorofluorocarbon
HTML = HyperText Markup Language
ICAPCD = Imperial County Air Pollution Control District
LaRC = Langley Research Center
MDQAMD = Mojave Desert Air Quality Management District
MSGP = Multi-sector General Permit
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration

NESHAP = National Emission Standards for Hazardous Air Pollutants
NOI = Notice of Intent
NOx = Nitrogen oxide
NPRM = Notice of Proposed Rulemaking
NRC = Nuclear Regulatory Commission
NSPS = New Source Performance Standards
NSR = New Source Review
NWP = Nationwide Permits
OAC = Ohio Administrative Code
OEPA = Ohio Environmental Protection Agency
OSHA = Occupational Safety and Health Administration
PFAC = Perfluoroalkyl carboxylate
PFAS = Perfluoroalkyl sulfonate
PSD = Prevention of significant deterioration
RIN = Regulatory Identification Number
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
SCAQMD = South Coast Air Quality Management District
SGP = Scientific Guidance Panel
SIP = State Implementation Plan
SJRWMD = St. Johns River Water Management District
SNUR = Significant New Use Rule
SOP = Standard operating procedure
SPCC = Spill prevention, control, and countermeasures
SWPPP = Storm Water Pollution Prevention Plan
TAC = Toxic Air Contaminant
TBD = To be determined
TCEQ = Texas Commission on Environmental Quality
TDS = Total Dissolved Solids
TexReg = *Texas Register*
TMDL = Total Maximum Daily Load
TSA = Transportation Security Administration
U.S. = United States
USACE = U.S. Army Corps of Engineers
UST = Underground storage tank
VAC = Virginia Administrative Code
VCAPCD = Ventura County Air Pollution Control District
VOC = Volatile organic compound

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed112808-1	Biofuels	11/28/2008	73 FR 72478	Notice	National Advisory Council for Environmental Policy and Technology Notice of a public teleconference to discuss and approve draft National Advisory Council for Environmental Policy and Technology recommendations on EPA's Draft Biofuels Strategy and the 2009-2014 EPA Strategic Plan Change Document. Teleconference to be held 12/15/2008.	
Fed112808-2	CERCLA Federal Agency Hazardous Waste Compliance	11/25/2008	73 FR 71644	Notice	Federal Agency Hazardous Waste Compliance Identifies additions and revisions to the Federal Agency Hazardous Waste Compliance Docket , which contains certain information reported by federal facilities that manage hazardous waste or from which a reportable quantity of hazardous substances has been released. Includes a revision to information concerning NASA's LaRC.	LaRC should be aware of this update.
Fed112808-3	Commercial Space Launch	11/18/2008	73 FR 68492	Notice	Federal Aviation Administration Office of Commercial Space Transportation; Notice of Availability and Request for Comment on a Final Environmental Impact Statement for the Spaceport America Commercial Launch Site, Sierra County, New Mexico Announces the availability of Final EIS for the Spaceport America Commercial Launch Site, Sierra County, New Mexico. Under the Proposed Action, the FAA would issue a Launch Site Operator License to New Mexico Spaceport Authority to operate a launch facility capable of accommodating both horizontal and vertical launches of suborbital launch vehicles. The vehicles may carry space flight participants, scientific experiments, or other payloads.	
Fed112808-4	CWA SPCC Plans	11/26/2008	73 FR 71941	Final Rule	Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure Rule; Revisions to the Regulatory Definition of "Navigable Waters" [40 CFR Part 112] Amends the definition of "navigable waters" in the Spill Prevention, Countermeasure and Control rule. Response to court decision invalidating the previous definition. Restores 1973 definition of "navigable waters." Effective 11/26/2008. [RIN 2050-AG48]	
Fed112808-5	CWA SPCC Plans	11/26/2008	73 FR 72016	Proposed Rule	Oil Pollution Prevention; Non-Transportation Related Onshore Facilities [40 CFR Part 112] Proposes to amend the dates by which facilities must prepare or amend and implement SPCC Plans. Proposes to extend the deadline from 07/01/2009 to 11/20/2009. Comments due 12/26/2008. [RIN 2050-AG49]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed112808-6	Endangered Species Act Northern Mexican Gartersnake	11/25/2008	73 FR 71787	Notice	<p>U.S. Fish and Wildlife Service</p> <p>Endangered and Threatened Wildlife and Plants; 12-month Finding on a Petition to List the Northern Mexican Gartersnake (<i>Thamnophis eques megalops</i>) as Threatened or Endangered with Critical Habitat [50 CFR Part 17]</p> <p>Announces a 12-month finding on a petition to list the northern Mexican gartersnake (<i>Thamnophis eques megalops</i>) as threatened or endangered with critical habitat. The finding is that listing the northern Mexican gartersnake as threatened or endangered throughout its range in the United States and Mexico, based on its rangewide status, is warranted.</p>	
Fed112808-7	Flood Hazards Flood Elevation Determinations	11/24/2008	73 FR 70944	Proposed Rule	<p>Federal Emergency Management Agency</p> <p>Proposed Flood Elevation Determinations [44 CFR Part 67]</p> <p>Requests comments on proposed Base (1 percent annual-chance) Flood Elevations and proposed Base Flood Elevation modifications for several communities. These elevation changes are used primarily to calculate flood insurance premium rates, but sometimes may inform or drive emergency preparedness and management. Includes Dona Ana County, New Mexico. Comments due 02/23/2008.</p>	
Fed112808-8	Hazardous Material Transportation Rail Transportation	11/26/2008	73 FR 72181	Final Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments [49 CFR Parts 172 and 174]</p> <p>Revises requirements applicable to the safe and secure transportation of hazardous materials by rail. Requires rail carriers to:</p> <ul style="list-style-type: none"> ▪ Compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials. ▪ Use the data to analyze safety and security risks along rail routes where those materials are transported. ▪ Assess alternative routing options. ▪ Make routing decisions based on those assessments. <p>Also clarifies rail carriers' responsibility to address in their security plans issues related to en-route storage and delays in transit. Adopts a new requirement for rail carriers to inspect placarded hazardous materials rail cars for signs of tampering or the presence of suspicious items, including improvised explosive devices. Effective 12/26/2008. [RIN 2137-AE02]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed112808-9	Hazardous Material Transportation Rail Transportation	11/26/2008	73 FR 72129	Final Rule	Transportation Security Administration Rail Transportation Security [49 CFR Parts 1520 and 1580] Establishes security requirements for freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and rail operations at certain, fixed-site facilities that ship or receive specified hazardous materials by rail. Codifies the scope of existing inspection program and requires regulated parties to allow TSA and DHS officials to enter, inspect, and test property, facilities, conveyances, and records relevant to rail security. Requires that regulated parties designate rail security coordinators and report significant security concerns. Requires that freight rail carriers and certain facilities handling specified hazardous materials be able to report location and shipping information to TSA upon request and implement chain-of-custody requirements to ensure a positive and secure exchange of specified hazardous materials. Also clarifies and amends the sensitive security information protections to cover certain information associated with rail transportation. Effective 12/26/2008. [RIN 1652-AA51]	
Fed112808-10	Hazardous Material Transportation Rail Transportation	11/26/2008	73 FR 72194	Final Rule	Federal Railroad Administration Railroad Safety Enforcement Procedures; Enforcement, Appeal and Hearing Procedures for Rail Routing Decisions [49 CFR Part 209] Establishes procedures to enable railroad carriers to challenge rail routing decisions that carry out the requirements in the Federal Hazardous Material Regulations (see related item above, 73 FR 72129). Effective 11/26/2008. [RIN 2130-AB87]	
Fed112808-11	Nanotechnology Nanoscale Silver Products	11/26/2008	73 FR 69644	Notice	Petition for Rulemaking Requesting EPA Regulate Nanoscale Silver Products as Pesticides; Notice of Availability Makes available for public review and comment a petition for rulemaking and collateral relief. The petition requests that EPA classify nanoscale silver as a pesticide, require formal pesticide registration of all products containing nanoscale silver, analyze the potential human health and environmental risks of nanoscale silver, and take regulatory actions against existing products that contain nanoscale silver. Comments due 01/20/2009. See Section 1.3.2 below for further information.	
Fed112808-12	Nuclear	11/28/2008	73 FR 72528	Notice	NRC Revision of the NRC Enforcement Policy Announces revision to NRC Enforcement Policy to adjust civil monetary penalties to reflect inflation. Effective 10/23/2008. Comments due 12/29/2008.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed112808-13	Regulatory Agenda	11/24/2008	73 FR 71095	Semiannual Agenda	<p>Regulatory Information Service Center</p> <p>Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions</p> <p>Provides an introduction to the semiannual regulatory agenda for fall 2008, which contains the plans and rulemaking agendas of certain federal entities. Published to update the public about the following:</p> <ul style="list-style-type: none"> Regulations and major policies currently under development Reviews of existing regulations and major policies Rules and major policy makings completed or canceled since the last agenda <p>This edition of the FR contains the agendas for agencies that may be of interest to NASA, including the following:</p> <ul style="list-style-type: none"> Department of Labor (OSHA) – 73 FR 71396 EPA – 73 FR 71423 NASA (General Services) – 73 FR 71454 	
Fed112808-14	Renewable Fuels Standard	11/21/2008	73 FR 70643	Notice	<p>Renewable Fuel Standard for 2009, Issued Pursuant to Section 211(o) of the Clean Air Act</p> <p>Publishes a Renewable Fuel Standard of 10.21 percent for 2009. This standard is intended to lead to the use of 11.1 billion gallons of renewable fuel in 2009. EPA expects the renewable fuel required in 2009 to include approximately 0.5 billion gallons of biodiesel and renewable diesel.</p>	
Fed112808-15	Renewable Fuels Standard	11/25/2008	73 FR 71560	Correction	<p>Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [40 CFR Part 80]</p> <p>Makes a correction to amendments to the Renewable Fuel Standard (73 FR 57248, 10/02/2008). [RIN 2060-AO80]</p>	
Fed112808-16	Renewable Fuels Standard	11/26/2008	73 FR 71940	Partial Withdrawal of Direct Final Rule	<p>Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [40 CFR Part 80]</p> <p>Withdraws several provisions of direct final rule (73 FR 57248, 10/02/2008) to amend the Renewable Fuel Standard program requirements because EPA received adverse comments. Effective 11/26/2008. [RIN 2060-AO80]</p>	
Fed112808-17	Storm Water Construction Sites	11/28/2008	73 FR 72561	Proposed Rule	<p>Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category [40 CFR Part 450]</p> <p>Proposes to strengthen the existing regulatory program for discharges from construction sites by establishing technology-based Effluent Limitations Guidelines and New Source Performance Standards for the Construction and Development point source category. Requests comments and other information related to the proposed regulation and an alternate option with a different numeric limit based on different technologies. Comments due 02/26/2009. [RIN 2040-AE91]</p> <p>See Section 1.3.3 below for further information.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed112808-18	Toxic Materials Dioxin	11/24/2008	73 FR 70999	Notice	Literature Search for 2,3,7,8-Tetrachlorodibenzo-p-Dioxin Dose-Response Studies for Use in an Upcoming Expert Panel Workshop Announces a public review and request for additional information about available peer-reviewed literature for 2,3,7,8-tetrachlorodibenzo-p-dioxin dose-response for use in human health risk assessment. The public is invited to review preliminary literature search results and to submit any additional information not already identified in the literature search. The results of this literature search will be used by scientists in a scientific expert workshop, to be held 02/18/2008 through 02/20/2009 in Cincinnati, Ohio. Comments due 01/08/2009.	

1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to [Sharon Scroggins](#).

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	<i>03/2009</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.
Final Action	<i>09/2009</i>			Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM	<i>TBD</i>	HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	<i>TBD</i>			Would require containers of materials containing HCFCs to bear warning statements.
NPRM	<i>03/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.
Final Action	<i>06/2010</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.
ANPRM	07/30/2008	Regulation of Greenhouse Gases under the CAA [2060-AP12]	Pre-Rule	Potential for program impacts unknown at this time.
NPRM	<i>TBD</i>			Solicits input regarding the regulation of GHGs under the CAA.
Final Action	<i>TBD</i>			
NPRM	10/10/2008	NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Evaluation of residual risk remaining after implementation of NESHAP regulations. Includes the manufacture of various types of elastomers, such as Hypalon™. Proposes no further restrictions on covered sources; however, public comments could influence addition of restrictions during comment period.
NPRM	10/06/2008	Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Final Action	<i>01/2009</i>			Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	<i>05/2009</i>			Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.

Significant Dates <i>italic = target date</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	03/07/2006 71 FR 11483	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts.
Final Action	08/2009			Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.

1.3 Significant News and Other Developments

1.3.1 EPA and DOE Issue Action Plan for Climate Change

EPA, DOE, and environmental and state policy leaders from across the country have come together to produce the updated *National Action Plan Vision for 2025: A Framework for Change*. The action plan outlines strategies to help lower the growth in energy demand across the country by more than 50 percent, and ways to save more than \$500 billion in net energy savings over the next 20 years. The action plan outlines steps for state policy makers to take toward the goal of increasing the nation's investment in low-cost energy efficiency. The plan also shows the progress states are making toward these goals.

The updated action plan also identifies areas for additional progress. About one third of the states have established energy savings targets and addressed utility disincentives for energy efficiency. Moreover, about half of the states have established energy efficiency programs for key customer classes and have reviewed and updated building codes.

Two technical assistance documents also are available to assist states in achieving the energy goals established under the action plan. The first document provides guidance on establishing cost-effectiveness tests for energy efficiency programs, while the second outlines best practices for providing business customers with energy-use and cost data.

Initiated in 2005, the *National Action Plan for Energy Efficiency* is directed by a leadership group of 30 electric and gas utilities, 20 state agencies, and 12 other organizations. This state-driven initiative is designed to help electric and natural gas ratepayers increase energy efficiency while saving money. More than 120 organizations have endorsed the original recommendations of the action plan and have committed to implementation.

The documents and the action plan are available on [EPA's website](#).

1.3.2 EPA Considers Rulemaking for Silver Nanoparticles

On 19 November 2008, EPA issued a notice ([73 FR 69644](#)) for the public review and comment on a petition for rulemaking and collateral relief for nanoscale silver filed by the International Center for Technology Assessment and others. The petition requests that EPA classify nanoscale silver as a pesticide, require formal pesticide registration of all products containing nanoscale silver, analyze the potential human health and environmental risks of nanoscale silver, take regulatory actions under FIFRA against existing products that contain nanoscale silver, and take other regulatory actions under FIFRA as appropriate for nanoscale silver products. EPA has determined that the petition raises issues that potentially affect private and public sector stakeholders. Comments must be received by EPA by 20 January 2009.

1.3.3 Proposed Guidelines to Control Pollution from Construction Sites

On 28 November 2008, EPA proposed ([73 FR 72561](#)) ELGs and NSPS to control the discharge of pollutants from construction sites. EPA is requesting comments on the proposed ELGs and NSPS, which would require all construction sites to implement erosion and sediment control BMPs to reduce pollutants in storm water discharges. Large construction sites located in areas of the country that have high rainfall intensity and soils with a high clay content would be required to meet a numeric limit on the allowable level of turbidity in storm water. To meet the proposed numeric turbidity limit, treatment or filtration of the storm water may be required.

Construction activities such as clearing, excavating, and grading significantly disturb the land. The disturbed soil, if not managed properly, can easily be washed off the construction site during storms and enter streams, lakes, and other waters. Storm water discharges from construction activities can cause an array of physical, chemical and biological impacts.

Sediment is one of the leading causes of water quality impairment nationwide, including reducing water depth in small streams, lakes and reservoirs. Further information is available on [EPA's website](#).

1.3.4 EPA Releases its Progress Report

EPA has issued its 2008 [Performance and Accountability Report](#) highlighting its environmental and financial progress over the past year. The report outlines EPA's efforts to reduce air pollution, improve water quality, clean up Superfund sites, increase health and environmental safety through pesticide and chemical evaluation, and avoid pollution through enforcement actions. The report was delivered to President Bush and Congress on 17 November 2008 as required by the Government Performance and Results Act, which mandates that federal agencies report to Congress annually on the results of their activities during the fiscal year.

1.3.5 EPA to Increase State, Local Government Consultations in Federal Rulemakings

EPA has issued a new policy to broaden its consulting efforts with intergovernmental partners when new regulations and policies are projected to cost more than \$25 million each. EPA's previous policy, which carried out [Executive Order 13132, Federalism](#), required that intergovernmental partners be consulted when new regulations and policies cost more than \$100 million. The Executive Order requires the federal government to consult with elected state and local government officials before proposing regulations or actions that have substantial direct effects below the national level, such as those that affect the state or local level. EPA has lowered the threshold from \$100 million to \$25 million because of the need for state and local input on a wider range of regulations. Information regarding the new policy is available at [EPA's website](#).

1.3.6 EPA Issues New SWPPP Template

EPA has issued a new SWPPP Template for 2008 MSGP permittees. Any industrial facility that is eligible for coverage under EPA's 2008 MSGP must first develop an SWPPP before submitting an NOI for coverage under the 2008 MSGP. NOIs for existing industrial facilities must be submitted by 5 January 2009.

The Microsoft® Word template provides step-by-step instructions for developing an SWPPP that complies with the requirements of the 2008 MSGP. The template is available on [EPA's website](#).

1.4 Clean Air Act Working Group Updates

1.4.1 Clean Air Act Working Group Telecons

There will be no further CAAWG telecons in 2008. Telecons will resume in January 2009. Please send questions, comments, and suggestions for agenda topics to Sharon Scroggins (256-544-7932, sharon.scroggins@nasa.gov).

2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA112808-1	Air	11/21/2008	CRNR 2008, 47z, p. 2029	Proposed Action	California Department of Pesticide Regulation Toxic Air Contaminant–Endosulfan [3 CCR 6800(b)] Proposed regulatory action would designate endosulfan as a TAC. A public hearing is scheduled 01/05/2009 at the Cal/EPA Headquarters in Sacramento, California.	
CA112808-2	Air SIP - NSR	11/19/2008	73 FR 69593	Proposed Rule	U.S. Environmental Protection Agency Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [40 CFR Part 52] Proposes to approve revisions to the VCAPCD portion of the California SIP. These revisions concern the permitting of new or modified sources. Comments due 12/19/2008.	
CA112808-3	Air SIP-VOC Emissions	11/24/2008	73 FR 70883	Direct Final Rule	U.S. Environmental Protection Agency Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District, Mojave Desert Air Quality Management District, South Coast Air Quality Management District, and Ventura County Air Pollution Control District Approves revisions to the ICAPCD, MDAQMD, SCAQMD, and VCAPCD portions of the SIP. These revisions concern VOC emissions from the storage of reactive organic compound liquids, polyester resin operations, coatings of metal parts and products, and adhesives and sealants. Effective 01/23/2009.	NASA-Centers and related facilities should be aware of the SIP changes.
CA112808-4	Endangered Species	11/21/2008	CRNR 2008, 47z, p. 2046	Final Rule	California Board of Forestry and Fire Protection Northern Spotted Owl Definitions and Federal and State "Take" Definitions [14 CCR 895.1, 919.9, 939.9] This action amends Northern Spotted Owl Definitions and Take Avoidance evaluations. Effective 01/01/2009.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA112808-5	Groundwater	11/21/2008	CRNR 2008, 47z, p. 2026	Proposed Action	<p>California Department of Pesticide Regulation</p> <p>Groundwater Protection List [3 CCR 6860]</p> <p>Proposed regulatory action would delete acrolein from and add 40 additional chemicals to the Groundwater Protection List of pesticides that have the potential to pollute groundwater. A public hearing is scheduled 01/05/2009 at the Cal/EPA Headquarters in Sacramento, California. The chemicals proposed for addition to Section 6800(b) are the following:</p> <ul style="list-style-type: none"> ▪ azoxystrobin ▪ bensulfuron methyl ▪ bispyribac-sodium ▪ clomazone ▪ 2,4-D, 2-ethylhexyl ester ▪ 2,4-D, diethanolamine salt ▪ 2,4-D, isooctyl ester ▪ 2,4-DP-P, dimethylamine salt (dichlorprop-P, dimethylamine salt) ▪ dicamba, diglycolamine salt ▪ dicamba, dimethylamine salt ▪ dicamba, sodium salt ▪ diflufenzopyr, sodium salt ▪ dimethenamid-P ▪ dinotefuran; ▪ dithiopyr ▪ endothall, dipotassium salt ▪ endothall, mono (N,N-dimethyl alkylamine) salt ▪ fenoxycarb ▪ fludioxonil ▪ flutolanil ▪ halosulfuron-methyl ▪ imazamox, ammonium salt ▪ imazapic, ammonium salt ▪ imazethapyr, ammonium salt ▪ malathion ▪ mefenaxam ▪ methyl parathion ▪ (S)-metolachlor, penoxsulam ▪ piperonyl ▪ butoxide ▪ propanil ▪ siduron ▪ terrazole ▪ thiamethoxam ▪ thiazopyr ▪ thiobencarb ▪ thiophanate methyl ester ▪ triclopyr, butoxyethyl ester ▪ triclopyr, triethylamine salt ▪ uniconazole-P 	
CA112808-6	Safety	11/21/2008	CRNR 2008, 47z, p. 2048	Final Rule	<p>Occupational Safety and Health Standards Board</p> <p>Replace Graphics [8 CCR 2540.8, 2540.9, 2548.23, 2719, 2740, 2741, 2880, 2980]</p> <p>This change, without regulatory effect, updates graphics relating to Electrical Safety Orders.</p>	
CA112808-7	Waste Fees - Electronics	11/28/2008	CRNR 2008, 48z, p. 2073	Final Rule	<p>California Integrated Waste Management Board</p> <p>Electronic Waste Payment System-Consumer Fees [14 CCR 18660.40]</p> <p>Increases the fees consumers must pay for covered electronic devices at the time of retail purchase. These funds are used to compensate authorized collectors and recyclers of covered electronic waste through standard payment rates designed to offset the cost of providing recovery and recycling services. Effective 11/13/2008.</p>	
CA112808-8	Water Calleguas Creek Watershed	11/21/2008	CRNR 2008, 47z, p. 2048	Final Rule	<p>State Water Resources Control Board</p> <p>Basin Plan Amendment: TMDL for Salts in the Calleguas Creek Watershed [23 CCR 3939.32]</p> <p>This action amends the Los Angeles Regional Water Quality Control Board Water Quality Control Plan to establish a TMDL for boron, chloride, sulfate, and TDS in the Calleguas Creek Watershed.</p>	

2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL112808-1	Air General Provisions	11/26/2008	FAW Notice #6496301	Final Rule	Chapter 62–FDEP 204–Air Pollution Control–General Provisions Amendments include updates of FDEP’s adoption-by-reference of recent federal air pollution regulations at 40 CFR Parts 52 and 89, as described below: <ul style="list-style-type: none"> 40 CFR 52, Approval and Promulgation of Implementation Plans, Subpart K, Florida: <ul style="list-style-type: none"> Updated plan-conditional approvals; revises definitions of new emissions units and significant emissions rate; withdraws the request that EPA include a significant emissions rate for mercury in the Florida SIP; and revises record-keeping requirements. Updated State Effective and EPA Approval Dates for EPA approved regulations. 40 CFR 89, Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines: <ul style="list-style-type: none"> Adds criteria for rule applicability and exemptions. Adds definitions for amphibious vehicle, marine engine, and sulfur-sensitive technology. Updated contact information and reference material titles and 40 CFR 89 Appendix locations. Effective 12/01/2008.	
FL112808-2	Air Greenhouse Gases	11/21/2008	FAW Notice #6427334	Notice Rulemaking Workshop	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 300–Electric Utility Greenhouse Gas Reduction Program Announces a workshop to discuss a proposed rule development that would involve capping GHG emissions from the electric utility sector. Specifically, FDEP will offer conceptual rule proposals and solicit comments and recommendations. The workshop is scheduled for 12/11/2008 at FDEP, Tallahassee, Florida.	
FL112808-3	Air Greenhouse Gases	11/21/2008	FAW Notice #6423745	Notice Hearing Change	Chapter 62–FDEP 285–Greenhouse Gas Emissions Reduction 400–Adoption of California Motor Vehicle Emissions Standards The rule adoption hearing originally scheduled in FAW Notice #6051944 will be continued on 12/02/2008 at FDEP, Tallahassee, Florida.	
FL112808-4	Endangered Species	11/26/2008	73 FR 72209	Final Rule	National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce Endangered and Threatened Species; Critical Habitat for Threatened Elkhorn and Staghorn Corals [50 CFR Part 226] Final rule designates critical habitat for elkhorn (<i>Acropora palmata</i>) and staghorn (<i>A. cervicornis</i>) corals, which were listed as threatened under the ESA of 1973, as amended on 05/09/2006. Four specific areas are designated: the Florida area, the Puerto Rico area, the St. John/St. Thomas area, and the St. Croix area. One military site is excluded because of national security impacts. Further information is available at the NMFS website . Effective 12/26/2008. Critical habitat maps available on the website indicate the Florida habitat does not border KSC, although the critical habitat area may overlap the barge route from MAF.	NASA Programs should be aware of possible impacts to the MAF/KSC barge route.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL112808-5	Environmental Regulation Commission	11/21/2008	FAW Notice #6399689	Notice Meeting	Chapter 62–Environmental Regulation Commission Announces a regularly scheduled meeting for rule adoptions and briefings. The meeting will be held on 12/02/2008 at FDEP, Tallahassee, Florida.	
FL112808-6	Hazardous Waste Reporting	11/26/2008	FAW Notice #6476804	Notice Hearing Correction	Chapter 62–FDEP 730–Hazardous Waste The proposed hearing originally scheduled in FAW Notice #6369910 is scheduled to take place 12/12/2008, if a hearing is requested.	
FL112808-7	Recycling	11/21/2008	FAW Notice #6416858	Notice Meeting	Chapter 62–2008 Energy Bill Announces a meeting to discuss statewide recycling. The Florida Energy, Climate Change, and Economic Security Act of 2008 (HB 7135) establishes a new statewide recycling goal of 75 percent to be achieved by 2020. The Act directs FDEP to develop a plan to achieve this goal and submit it to the Legislature for approval by 01/01/2010. The purpose of this meeting is to identify interested parties and seek input regarding preliminary steps to develop this plan. The meeting will be held 12/02/2008 at FDEP, Tallahassee, Florida. Further information on this program is posted on the FDEP website.	
FL112808-8	Universal Waste Reporting	11/26/2008	FAW Notice #6477483	Notice Hearing Correction	Chapter 62–FDEP 737–The Management of Spent Mercury-containing Lamps and Devices Destined for Recycling The proposed hearing originally scheduled in FAW Notice #8370298 is scheduled to take place 12/12/2008, if a hearing is requested.	
FL112808-9	Used Oil Reporting	11/26/2008	FAW Notice #6476416	Notice Hearing Correction	Chapter 62–FDEP 710–Used Oil Management The proposed hearing originally scheduled in FAW Notice #6370201 is scheduled to take place 12/12/2008, if a hearing is requested.	
FL112808-10	Water Quality Assurance	11/26/2008	FAW Notice #6467686 , #6467880 , #6468074 , #6468268 , #6468462 , #6468559 , #6468656 , #6468753 , #6468850 , #6468947 , #6469141 , #6469238 , #6469335 , #6469432 , and #6469529	Final Rule	Chapter 62–FDEP 160–Quality Assurance Finalizes amendments to update the FDEP's SOPs for Field Activities (DEP-SOP-001/01) and Laboratory Activities (DEP-SOP-002/01). Clarifies or corrects procedures in the original documents and the process by which data usability is assessed in a new document. Changes should have a minimal effect on a majority of laboratory of field operations. Effective 12/03/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL112808-11	Water SJRWMD	11/21/2008	FAW Notice #6431214	Notice Rule Development	Chapter 40C–SJRWMD 1–Organization and Procedure The proposed amendments to 40C-1.603 Permit Fees would do the following: <ul style="list-style-type: none"> ▪ Increase the fee for all noticed general environmental resource permits to \$250. ▪ Create a \$100 fee for District verification that an activity is exempt from regulation. ▪ Create a \$100 fee for an informal wetland boundary determination. ▪ Increase each application fee authorized under Part IV of Chapter 373, F.S., based on a Consumer Price Index. ▪ Establish the Consumer Price Index used for calculating those fees increases. ▪ Clarify that the application fee for proprietary authorization to use state-owned lands under Chapters 253 and 258, F.S., are provided in Chapter 18-21, F.A.C. 	
FL112808-12	Water SJRWMD	11/21/2008	FAW Notice #6431311	Notice Rule Development	Chapter 40C–SJRWMD 4–Environmental Resource Permits: Surface Water Management Systems Proposes to clarify the availability of informal wetland determinations under Section 12.5.6 of the Applicant's Handbook: Management and Storage of Surface Waters, which is adopted and incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C.	
FL112808-13	Water SJRWMD	11/21/2008	FAW Notice #6428983	Notice Meeting	Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters, scheduled for 12/09/2008 at SJRWMD Headquarters, Palatka, Florida.	
FL112808-14	Water SJRWMD	11/26/2008	FAW Notice #6461381	Notice Meeting	Chapter 40C–SJRWMD Announces a business meeting of the Projects and Land Committee on 12/08/2008 in St. Augustine, Florida.	

2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Maryland.

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH112808-1	Air Ambient Air Quality Standards	11/21/2008	Public Notice	Draft Rules	Division of Air Pollution Control, OEPA Draft Rules–Ambient Air Quality Standards [OAC Chapters 3745-17, 3745-18, 3745-21, 3745-23, 3745-25, and 3745-71] OEPA has completed draft language to consolidate Ohio's AAQS into a single rule to provide greater accessibility for the public. The consolidated AAQS will be included in new OAC rule 3745-25-02. Please see the rule language , synopsis and public notice for information on the draft language. Comments due 12/23/2008.	NASA facilities should be aware of the draft rules
OH112808-2	Air Air Pollution Sources	11/26/2008	Notice	Amended Rules	Division of Air Pollution Control, OEPA Draft Rules–General Provisions on Air Pollution Control [OAC Chapter 3745-15] Refiles amended language for OAC Rules 3745-15-01, 3745-15-02, 3745-15-04, 3745-15-05, 3745-15-08, and 3745-15-09. These rules establish the general provisions for air pollution sources located in the State of Ohio. Please review the rule language , synopsis of changes to refiled rules , public notice for the no-change rule , and letter to commenters for details regarding changes made to the proposed rule language. Please note that the refiled rules are not effective at this time and will become effective at a future date.	NASA facilities should be aware of the amended rules
OH112808-3	Air Voluntary Emissions Reduction Credit Banking Program	11/26/2008	Notice	Draft Rules	Division of Air Pollution Control, OEPA Draft Rules–ERC Banking Program [OAC Chapter 3745-111] Refiles new language for rules in OAC Chapter 3745-111, "ERC Banking Program." The new rules are being proposed to establish a voluntary ERC banking program for the purpose of emission offsets. Please note that the refiled rules are not effective at this time and will become effective at a future date.	NASA facilities should be aware of the draft rules
OH112808-4	Water License to Operate	11/26/2008	Public Notice pg 4	Draft Rules	Division of Drinking and Ground Waters, OEPA Draft Rules– License to Operate [OAC Chapter 3745-84] Proposes to rescind Rule 3745-84-01 and replace it with new draft Rules 3745-84-01 through 3745-84-06 of the OAC, which will establish conditions and procedures for conditioning, suspending, revoking, or denying a license to operate. License applicants will be required to supply information with regard to the legal owner, lessee, financial contact and operator of record. The draft rules also establish requirements to notify the public of the water system's license status by displaying the license onsite and for notification of their license status to be included in the consumer confidence report. Comments due 12/29/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH112808-5	Water Water Quality Standards	11/18/2008	Notice Letter	Draft Rules	Division of Surface Water, OEPA Draft Amendments to OAC 3745-1, Water Quality Standards [OAC 3745-1] OEPA is soliciting comments on revisions to water quality rules containing the beneficial use designations for specific water bodies throughout the state. Comments due 12/23/2008.	NASA facilities should be aware of the draft amendments
OH112808-6	Water Wetlands	11/18/2008	Report	Final Report	Division of Surface Water, OEPA The following report is now available: Isolated Wetland Permits and 401 Water Quality Certifications in Ohio - State Fiscal Year 2007 . This report describes isolated wetland permitting and 401 water quality certification activities and resulting mitigation for projects acted upon by OEPA from 07/01/2006 through 06/30/2007. Includes information regarding individual 401 water quality certifications as well as projects covered by OEPA certification of the USACE's NWP and that address impacts to non-isolated waters.	

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file format can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX112808-1	Air SIP - Permits	11/26/2008	73 FR 72001	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; Texas; Revisions to Chapters 39, 55, and 116 Which Relate to Public Participation on Permits for New and Modified Sources [40 CFR Part 52] Proposes simultaneous limited approval and limited disapproval of revisions to the Texas SIP that relate to public participation on air permits for new and modified sources. Comments due 01/26/2009.	
TX112808-2	Storage Tanks Leaking Petroleum Storage Tanks	11/21/2008	33 TexReg 9433	Proposed Rule	Texas Commission on Environmental Quality Underground and Aboveground Storage Tanks [30 TAC 334] Proposes to amend rules that regulate the assessment and remediation requirements applicable to releases of regulated substances from USTs and ASTs. Would reinstate risk-based corrective action provisions for releases discovered and reported on or after 09/01/2003. Public hearing to be held 12/16/2008 in Austin. Comments due 01/05/2009. See related item below.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX112808-3	Storage Tanks Leaking Petroleum Storage Tanks	11/21/2008	33 TexReg 9439	Proposed Rule	Texas Commission on Environmental Quality Underground and Aboveground Storage Tanks [30 TAC 350] Proposes to amend rules that regulate the assessment and remediation requirements applicable to releases of regulated substances from USTs and ASTs. Would reinstate risk-based corrective action provisions for releases discovered and reported on or after 09/01/2003. Public hearing to be held 12/16/2008 in Austin. Comments due 01/05/2009. See related item above.	

2.10.1 Control Techniques Guidelines Stakeholder Group

A new [CTG Stakeholder Group](#) has been formed to seek stakeholder input on issues related to EPA's CTG recommendations for controlling emissions in the state's ozone nonattainment areas. The CTG Stakeholder Group is open to the public and anyone who wishes to join the group may attend the meetings. The first CTG Stakeholder Group meeting has been scheduled for 9 December 2008, to discuss EPA's Consumer and Commercial Products Groups II, III, and IV CTGs, which are related to coating operations and other solvent use operations. There also will be a video teleconference of this meeting in both the Dallas-Fort Worth and Houston TCEQ regional offices. Stakeholders also may participate in the meeting by phone.

2.11 Utah State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Utah.

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA112808-1	Air Air Quality-NOx Trading	11/24/2008	25:6 Va.R 1274	Final Rule	State Air Pollution Control Board 9VAC5-140 Regulation for Emissions Trading Programs Finalizes amendments extending the timeframe of the Nitrogen Oxides Budget Trading Program. Effective 12/31/2008.	
VA112808-2	Air New Source Review	11/24/2008	25:6 Va.R 1218	Final Rule	State Air Pollution Control Board 9VAC5-80 Permits for Stationary Sources Establishes an NSR permit program requiring owners of sources located within PSD areas to obtain a permit prior to new construction or modification of an existing facility. The PSD NSR program requires the facility to use BACT. Effective 12/31/2008.	NASA facilities should be aware of the changes in the NSR program noted in this table.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA112808-3	Air New Source Review	11/24/2008	25:6 Va.R 1231	Final Rule	State Air Pollution Control Board 9VAC5-80 Permits for Stationary Sources, 9VAC5-170 Regulation for General Administration Establishes new procedures for public hearings and public comment prior to decisions regarding new source review permits. Effective 12/31/2008.	
VA112808-4	Air New Source Review	11/24/2008	25:6 Va.R 1257	Final Rule	State Air Pollution Control Board 9VAC5-80 Permits for Stationary Sources Establishes minor NSR permit program for construction or new or modifications to existing smaller facilities. Effective 12/31/2008.	
VA112808-5	Air SIP – Particulate Matter	11/17/2008	73 FR 67825	Proposed Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendments to Ambient Air Quality Standards for Particulate Matter [40 CFR Part 52] Proposed approval of Commonwealth of Virginia amendments to the SIP regarding ambient air quality standards for particulate matter. Comments due 12/17/2008.	NASA facilities should be aware of the proposed changes.
VA112808-6	Radiation Regulatory Authority	11/17/2008	73 FR 70384	Proposed Agreement	Nuclear Regulatory Commission Commonwealth of Virginia: NRC Staff Assessment of a Proposed Agreement Between the Nuclear Regulatory Commission and the Commonwealth of Virginia [10 CFR Part 150] Proposes an agreement to allow Virginia to assume portions of the NRC regulatory authority exercised within the state. Proposed agreement would release persons who possess or use certain radioactive materials in Virginia from portions of the NRC's regulatory authority. Comments due 12/22/2008.	